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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application: Robert NEWSTEDER

Serial Number: 09/989,202

Filed: November 21, 2001

Title: DIRECTORY INFORMATION SYSTEM FOR  
PROVIDING TOLL-FREE NUMBERS

Attorney Docket: 103177-41819-US

Customer No: 26345

Art Unit: 2163

Examiner: Uyen T. LE

Confirmation No: 9308

Mail Stop: No Fee Response  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.131**

The undersigned, Robert J. Hess, declare that:

1. I am an attorney of record for US Serial No. 09/989,202 and have access to the corresponding patent application file folder kept at the offices of Gibbons, Del Deo, Dolan, Griffinger & Vecchione and to the associated electronic computer records that indicate creation and completion dates of documents that accompanied the patent application filing.

2. Enclosed are true and accurate copies of letter correspondence dated November 15, 2001 and November 20, 2001 from the contents of the file folder corresponding to the present application that are maintained at the offices of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C. Also enclosed is a true copy of a completed express mail label date stamped on November 19, 2001 that was likewise in the file folder and which contained the patent application.

#99799 v3  
103177-41819



Application No. 09/989,202  
Declaration dated May 31, 2005  
Reply to Office Action dated April 12, 2005

3. Upon inspection of the file folder, it is reasonable to surmise the following events occurred:

- (a) November 15, 2001: The inventor is faxed the patent application that was ultimately filed together with papers for the inventor to sign (e.g., Declaration). The inventor signs the papers the same day as indicated by the date on the declaration of record and mails them back to the attorney with the proposed patent application as instructed.
- (b) November 16, 2001: The signed application papers are likely in transit from the inventor via the US Postal Service for delivery to the attorney's office that is to prosecute the patent application. Based upon computer records that the undersigned reviewed that are maintained at the offices of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., an information disclosure statement and transmittal forms are originated and saved this day in preparation for filing with the present application. The Capra et al. article publishes this day during a presentation given in Orlando, Florida at an ACM Conference (see website downloads indicating the Capra et al. publication date).



Application No. 09/989,202  
Declaration dated May 31, 2005  
Reply to Office Action dated April 12, 2005

- (c) November 17-18, 2001: Weekend days. The attorney's office is closed. The signed application papers likely continue to be in transit from the inventor for delivery via the US Postal Service.
- (d) November 19, 2001: It was the usual practice of attorneys in the law office handling the prosecution of the present application to execute transmittals that accompany a patent application only after receiving and reviewing executed papers (e.g., the declaration) from the inventor. The transmittals that ultimately accompany the filing of the patent application are executed this day by the attorney responsible for handling the filing of the patent application. Thus, one may surmise that the executed patent application papers from the inventors arrived in the attorneys' office. According to the computer records reviewed by the undersigned that are maintained at the offices of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., the Information Disclosure Statement form PTO-1449 is completed this day. Also, there was an attempt to mail the application to the US Patent and Trademark Office via express mail, but such delivery was refused by the US Postal Service even though it had the proper postage and was properly addressed to the USPTO at the authorized 20231 zip code. However, the US Postal Service suspended express mail delivery service to the 20231 zip code that day. The express mail package was



Application No. 09/989,202  
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subsequently opened by the offices of the attorney who was prosecuting the patent application and its contents were filed through hand delivery instead. Ordinarily, a date stamped express mail label is sufficient to establish a patent application filing date of November 19, 2001.

- (e) November 20, 2001: The correspondence dated this day is addressed to a law firm in Crystal City, Virginia and is sent via Federal Express, together with the patent application and signed papers and contains instructions to effect filing via hand delivery with the US Patent and Trademark Office.
- (f) November 21, 2001: The patent application and signed papers are filed with the US Patent and Trademark Office via hand delivery. The patent application is accorded a filing date of this day.

4. The above activities show an earlier conception of the invention (at least on November 15, 2001) before the publication of the Capra article on November 16, 2001 and show due diligence each day, without interruption, as indicated previously in trying to file the patent application from November 15, 2001 through November 21, 2001. Under normal express mail delivery, a date stamped express mail label would be sufficient evidence according to USPTO rules then in effect for establishing a filing date for the patent application as early as November 19, 2001. Nevertheless, once such express mail delivery was refused due to suspension in deliveries, due diligence was



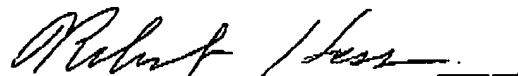
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Reply to Office Action dated April 12, 2005

maintained by forwarding the patent application the next day for filing by hand delivery to the USPTO.

5. Based on the aforementioned activities, the Capra et al. article should be disqualified from being treated as prior art to the present application.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

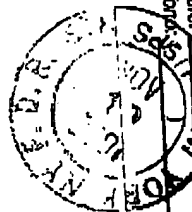
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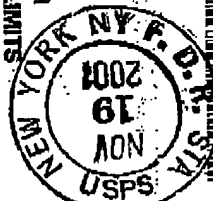
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E-MAIL: [cgpatents@cobrinandgittes.com](mailto:cgpatents@cobrinandgittes.com)

MICHAEL A. ADLER  
OREN J. WARSHAVSKY  
CLYDE A. SHUMAN  
LAWRENCE B. RUSS

November 20, 2001

OF COUNSEL  
NATHANIEL D. KRAMER

**BY FEDERAL EXPRESS**

Mr. Terry Kramer  
DIGIPAT  
2001 Jefferson Davis Highway - Suite 1111  
Arlington, VA 22202

Re: New Utility Patent Application  
**DIRECTORY INFORMATION SYSTEM FOR  
PROVIDING TOLL FREE TELEPHONE NUMBERS**  
Our Ref.: AID-3.2.01/4203

Dear Terry:

Enclosed is the above-referenced new utility patent application. Please Hand Deliver it for filing at the United States Patent Office.

Please fill in the Certificate of Hand Delivery and be certain that the Application as well as our Acknowledgment Postcard are stamped with the date of filing and the Serial Number assigned. Your assistance will be appreciated.

Very truly yours,

  
Peter T. Cobrin

PTC:gs  
Enclosures

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E-MAIL: [cgpatents@cobrinandgittes.com](mailto:cgpatents@cobrinandgittes.com)

OF COUNSEL  
NATHANIEL D. KRAMER

November 15, 2001

**BY FACSIMILE**

Mr. Robert Newsteder  
American Internet Development  
225 Meachem Avenue  
Elmont, NY 11033

Re: Patent Application entitled: **DIRECTORY INFORMATION SYSTEM  
FOR PROVIDING TOLL FREE TELEPHONE NUMBERS**  
Our File No.: AID-3.2.001/4203

Dear Bob:

Attached is the proposed patent application for the above-identified invention. Please review and, if it is satisfactory, please sign and date the declaration and assignment (the assignment need not be notarized). Please then return the entire application to us with signed papers and we will file. If you have any changes, do not sign but call me.

If you have any questions, please give me a call.

I enclose our debit memo for your kind attention.

Regards.

Very truly yours,

Peter T. Cobrin

PTC:gs  
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 Proceedings of the 2001 workshop on Perceptive user interfaces  
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Full text available:  Pdf(1.63 MB)Additional Information: [full citation](#), [abstract](#), [references](#), [citations](#)**A robust algorithm for reading detection**

Christopher S. Campbell, Paul P. Maglio

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Full text available:  Pdf(294 KB)Additional Information: [full citation](#), [abstract](#), [references](#)**POSTER SESSION: Posters & demos****A real-time head nod and shake detector**

Ashish Kapoor, Rosalind W. Picard

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A bibtex database of all PUI2001 papers

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10:00-10:30 Coffee Break

### A Visual Modality for the Augmentation of Paper

David McGee, Misha Pavel, Adriana Adami, Guoping Wang & Phil Cohen  
Pacific Northwest National Laboratory  
Oregon Health and Sciences University

### Experimental Evaluation of Vision and Speech based Multimodal Interfaces

Emilio Schapira & Rajeev Sharma  
Computer Science and Engineering Department, The Pennsylvania State University

### Signal Level Fusion for Multimodal Perceptual User Interface

John Fisher & Trevor Darrell  
MIT Artificial Intelligence Laboratory

### Human-Robot Interface Based on Mutual Assistance between Speech and Vision

Mitsutoshi Yoshizaki, Yoshinori Kuno & Akio Nakamura  
Saitama University

12:00-1:30 Lunch

1:30-3:00 **Panel Session:**

### Panel on Augmented Cognition

Organizers: Dylan Schmorrow & Jim Patrey  
Panellists- Mike Zyda, Denny Proffitt, Phil Cohen & Pete Hancock  
DARPA-ITO  
USAFA  
Oregon Graduate Institute  
University of Virginia  
Naval Postgraduate School  
University of Central Florida

3:00-4:30 **Posters & Demos:**

### Sketch Based Interfaces: Early Processing for Sketch Understanding

Tevfik Metin Sezgin, Thomas Stahovich & Randall Davis  
MIT AI Laboratory  
CMU Department of Mechanical Engineering

### Speech Driven Facial Animation

Praveen Kakumanu, Ricardo Gutierrez-Osuna, Anna Esposito, Robert Bryll, Ardeshir Goshtasby & Oscar N. Garcia  
Department of Computer Science and Engineering, Wright State University



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*Using Eye Movements to Determine Referents in a Spoken Dialogue System*

Ellen Campana, Jason Baldrige, John Dowding, Beth Ann Hockey, Roger Remington & Leland Stone

Department of Brain and Cognitive Sciences, University of Rochester  
ICCS, Division of Informatics, University of Edinburgh  
Research Institute for Advanced Computer Science, NASA Ames Research Center  
Human Factors Research and Technology Division NASA Ames Research

*An Automatic Sign Recognition and Translation System*

Jie Yang, Jiang Gao, Ying Zhang, Xilin Chen & Alex Waibel  
Interactive Systems Laboratory, Carnegie Mellon University

*An Experimental Multilingual Speech Translation System*

Kenji Matsui, Yumi Wakita, Tomohiro Konuma, Kenji Mizutani, Mitsuru Endo & Masashi Murata  
Advanced Research Labs., Matsushita Electric Ind. Co., Ltd.  
Matsushita Research Institute Tokyo, Inc.  
Department of Information and Communication Engineering, Osaka City University

*A Multimodal Presentation Planner for a Home Entertainment Environment*

Christian Elting & Georg Michelitsch  
European Media Laboratory GmbH  
Sony International (Europe) GmbH

*Multimodal optimizations: Can legacy systems defeat them?*

John Harper & Donal Sweeny  
Department of Computer Science, National University of Ireland

*Using Multimodal Interaction to Navigate in Arbitrary Virtual VRML Worlds*

Frank Althoff, Gregor McGlaun & Manfred Lang  
Institute for Human-Machine-Communication, Technical University of Munich

*The Bayes Point Machine for Computer-User Frustration Detection via PressureMouse*

Yuan Qi, Carson Reynolds & Rosalind Picard  
MIT Media Lab

*Physiological Data Feedback For Application in Distance Education*

Martha Crosby, Brent Auernheimer, Christoph Aschwanden & Curtis Ikehara  
Information and Computer Science, University of Hawaii, Manoa  
Computer Science, California State University, Fresno

4:30-5:45 **Paper Session #2:**

*Naturally Conveyed Explanations of Device Behavior*

Michael Oltmans & Randall Davis  
MIT Artificial Intelligence Lab

*Towards Reliable Multimodal Sensing in Aware Environments*

Scott Stillman & Irfan Essa  
GVU Center, Georgia Institute of Technology  
Video Example (mpg)

*Audio-Video Array Source Separation for Perceptual User Interfaces*



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Kevin Wilson, David Demirdjian, Neal Checka & Trevor Darrell  
MIT Artificial Intelligence Lab

*Visually Prototyping Perceptual User Interfaces through Multimodal Storyboarding*

Anoop Sinha & James Landay  
Group for User Interface Research University of California, Berkeley

Friday, November 16

9:00-10:00 **Keynote Speaker Robin Murphy, Human-Robot Interaction**

10:00-10:30 Coffee Break

10:30-12:30 **Paper Session #3:**  
*A Robust Algorithm for Reading Detection*  
Christopher Campbell & Paul Maglio  
IBM Almaden Research Center

*A Perceptual User Interface for Recognizing Head Gesture Acknowledgements*

James Davis & Serge Vaks  
Dept. Comp. and Info. Sci., Center for Cog. Sci. Ohio State University

*Estimating Focus of Attention based on Gaze and Sound*

Rainer Stiefelhagen, Jie Yang & Alex Walbel  
Interactive Systems Laboratories University of Karlsruhe  
Interactive Systems Laboratories Carnegie Mellon University

*A Pneumatic Tactile Alerting System for the Driving Environment*

Mario Enriquez, Oleg Afonin, Brent Yager & Karon Maclean  
Computer Science University of British Columbia

*Perception and Haptics: Towards More Accessible Computers for Motion-Impaired Users*

Faustina Hwang, Simeon Keates, Patrick Langdon, P. John Clarkson & Peter Robinson  
University of Cambridge, Dept. of Engineering  
University of Cambridge, Computer Laboratory

12:30-2:00 Lunch

2:00-3:30 **Posters & Demos:**

*A Real-Time Head Nod and Shake Detector*

Ashish Kapoor & Rosalind Picard  
Affective Computing, MIT Media Lab  
✉ Video Good Example1 (mpg)  
✉ Video Good Example2 (mpg)  
✉ Video False Positive (mpg)  
✉ Video Failure with Glasses (mpg)

*"Those Look Similar!" Issues in Automating Gesture Design Advice*

Chris Long, James Landay & Lawrence Rowe  
Human Computer Interaction Institute, Carnegie Mellon University  
EECS Department, University of California at Berkeley



**Design Issues for Vision-based Computer Interaction Systems**

Rick Kjeldsen & Jacob Hartman  
IBM T.J. Watson Research Center

**Hand Tracking for Human-Computer Interaction with Graylevel  
VisualGlove: Turning Back to the Simple Way**

Giancarlo Iannizzotto, Massimo Villari & Lorenzo Vita  
Department of Mathematics, University of Messina  
DIIT, University of Catania

**Bare-Hand Human-Computer Interaction**

Christian von Hardenberg & François Bérard  
Institut für Technik Technische Universität Berlin  
CLIPS-IMAG France  
✉ [Video Example \(mpg\)](#)

**User and Social Interfaces by Observing Human Faces for Intelligent  
Wheelchairs**

Yoshinori Kuno, Yoshifumi Murakami & Nobutaka Shlmada  
Saitama University; Osaka University

**First Steps Towards Automatic Recognition of Spontaneous Facial  
Action Units**

Bjorn Braathen, Marian Bartlett, Gwen Littlewort, & Javier Movellan  
Institute for Neural Computation, University of California San Diego

**Robust Finger Tracking for Wearable Computer Interfacing**

Sylvia Dominguez, Trish Keaton & Ali Sayed  
Electrical Engineering Dept., UCLA  
HRL Laboratories, LLC  
✉ [Video Example \(avi\)](#)

**WebContext: Remote Access to Shared Context**

Robert Capra, Manuel Perez-Quinones & Naren Ramakrishnan  
Department of Computer Science, Virginia Tech  
✉ [Audio Introduction \(mp3\)](#)  
✉ [Audio Example 1 \(mp3\)](#)  
✉ [Audio Example 2 \(mp3\)](#)  
✉ [Audio Example 3 \(mp3\)](#)

**A Video Joystick from a Toy**

Gary Bradski, Victor Eruhimov, Sergey Molniov, Valery Mosyagin & Vadim Fisarevsky  
Intel Corporation Microprocessor Research Labs  
✉ [Video Example \(avi\)](#)

**Privacy Protection by Concealing Persons in Circumstantial Video  
Image**

Surlyon Tansuriyavong & Shin-ichi Hanaki  
Electrical Engineering, Nagaoka University of Technology

**3:30-4:30 Paper Session #4:**

**Visual Panel: Virtual Mouse Keyboard and 3D Controller with an  
Ordinary Piece of Paper**

Zhengyou Zhang, Ying Wu, Ying Shan & Steven Shafer  
Microsoft Research  
University of Illinois



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Video Example (avi)

Recognizing Movements from the Ground Reaction Force

Robert Headon & Rupert Curwen  
Laboratory for Communications Engineering, Cambridge University Engineering Department  
AT&T Laboratories, Cambridge

The Infocockpit: Providing Location and Place to Aid Human Memory

Desney Tan, Jeanine Stefanucci, Dennis Proffitt & Randy Pausch  
School of Computer Science, Carnegie Mellon University  
Department of Psychology, University of Virginia

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